

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David A. Brock et al.  
Serial No.: 10/556,097  
Filed: June 3, 2004  
Title: AUTOMATIC IDENTIFICATION OF REAGENT TEST STRIPS USING  
REFLECTANCE VALUES  
Docket: 038484-0160 (BYRK-003)  
Art Unit: To be assigned

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)**

Applicants and their attorney are aware of the following publications and information, listed on the attached Form 08a, and in accordance with 37 C.F.R. §§ 1.56 and 1.97(b) hereby submit these publications for the Examiner's consideration. According to the United States Patent and Trademark Office OG Notices: 05 August 2003, copies of cited U.S. patents and U.S. patent application publications are waived and not submitted with this Statement. Enclosed are copies of foreign references 1-5. This Statement is being filed before the receipt of a first Office Action on the merits for the above-referenced application.

This Statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, the Applicant understands that the Examiner will make an independent evaluation of the cited publications.

If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited document does not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents. Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Application Serial No. 10/556,097  
David A. Brock, et al.  
Filing Date: June 3, 2004  
Page 2 of 2

No additional costs are believed to be due in connection with the filing of this disclosure.  
However, please charge any necessary fee to our Deposit Account No. 50-1133.

Respectfully submitted,

McDermott, Will & Emery, LLP.

/Atabak R. Royae/

Dated: May 04, 2007

---

Atabak R. Royae, Reg. No.: 59,037  
McDermott Will & Emery LLP  
28 State Street  
Boston, MA 02109-1775  
Telephone: (617) 535-4108  
Facsimile: (617) 535-3800